



## POLICE DEPARTMENT

November 19, 2012

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Grantley Bovell  
Tax Registry No. 936232  
40 Precinct  
Disciplinary Case No. 2011-6078

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The above-named member of the Department appeared before me on September 25, 2012, charged with the following:

1. Said Police Officer Grantley Bovell, while assigned to the 40<sup>th</sup> Precinct, on or about and between 01/23/2010 and 08/01/2010 did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit said Police Officer, on multiple occasions requested the assistance of other members of the service to prevent the processing and adjudication of multiples summonses issued to himself and other individuals.

P.G. 203-10, Page 1, Paragraph 5 – PROHIBITED CONDUCT  
GENERAL REGULATIONS

The Department was represented by Michelle Alleyne, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, a 7-year uniformed member of the service (UMOS) was appointed to the Department in January 2005 when he was approximately 25 years old. Prior to becoming a police officer, Respondent served in the military with the Navy for four years. At the time he was discharged from the Navy, Respondent held the rank of Petty Officer Third Class. Respondent stated that he had taken the test for Petty Officer Second Class, but that he had left the Navy at that point. After the Navy, Respondent did not remain in the Reserves but chose instead to attend Lehman College. He then transferred to John Jay College and at this point has not received any college degrees.

Upon graduation from the Police Academy, Respondent was assigned to the 40 Precinct in the Bronx, where he is still currently assigned on full duty status. Respondent currently performs patrol duties, but on his initial assignment to the 40 Precinct he performed Operation Impact duties and then was transferred to the Conditions Unit. Respondent described his Conditions duties as “when they want you to go out there, and it’s mostly in the high-crime, guns areas, so you hit a number of conditions of robberies, burglaries, so you do a lot of work with trespassing.” Respondent that he has always resided in the Bronx testified since he came to this country 18 years ago. Respondent was born in Barbados and became a United States citizen in 2005, which was after he had served in the military.

Respondent testified that he was not aware that prior to being questioned on October 24, 2011, by the Internal Affairs Bureau (IAB) that there was any investigation into ticket-fixing in Bronx County. At the time, Respondent testified that his (union) delegates were Police Officers Person A and Person B. Respondent denied that when he was interviewed by IAB that he was informed on what he was being questioned about. Respondent then stated, "They told me – at the time they told me about the ticket fixing. They didn't tell me anything other than, like, I'm being brought in for this amount of tickets." Respondent acknowledged that he was forthcoming when he was questioned by IAB and that he let them know that he in fact had asked for "help" (to prevent the processing and adjudication) on several tickets. Respondent stated that he believed that IAB did play audio tapes for him at the interview and he acknowledged that he was able to identify his voice and who he was speaking to on the tapes. Respondent testified that on the tape, he was speaking to Person A regarding a ticket that he had received on his car.

When Respondent was asked if, during the interview, he had given IAB additional information concerning his request for "help" with summonses that IAB was unaware of, Respondent stated, "At the time for the tickets, all I give them was the ticket number, the cop who wrote it and the time it was written." Respondent was then asked whether he had informed IAB about other tickets that he had sought "help" on, which IAB did not have the records of at the time and he stated:

When IAB questioned me, they didn't it's not like they give me the whole play book. You know, they asked me what did I do, and it's regarding tickets, so I had told them, you know, at times I have made phone calls for my car being ticketed...At one time I thought my car was being ticketed incorrectly. Instead of going through, you know,

the whole deal of pleading not guilty, I decided just to go through my delegate. Let him know.

Respondent testified that he did not know whether he had received more than five tickets during the 18-month period that he was questioned about by IAB, for which he was eventually charged with asking for "help" on. Respondent acknowledged that he paid for or took care of the tickets on his own.

Respondent currently resides with his mother but prior to that he was living with his girlfriend. Respondent acknowledged that he helps his mother, who is currently working, with the financial care of the household in that he pays some of the rent. He declared that a suspension of five days and the loss of pay would be a hardship because of "[t]he fact of the money, bills."

Respondent also acknowledged that he recently had been in contact with Technical Assistance Response Unit and the Intelligence Division because of threats that were made to his family. Respondent explained that the threats were related to him because he had made an arrest in conjunction with an Occupy Wall Street demonstration and that very same night of the arrest, someone had called his house and threatened to kidnap his parents. Respondent further testified that at the time, the incident had made the news. Respondent had been elbowed in the face by a woman who then tried to run away, so he handcuffed her. Respondent was surrounded and removed the woman from the crowd. As he was placing her on a bus, someone shouted out Respondent's name. Respondent further stated:

You know, working in the Bronx, you get people people get your name and stuff like that, so by the time I went to the hospital afterward, and I got to the Command, my mother called me and she was like what happened, and I'm like what. I mean, well Ma, what's wrong? And she told



me that people are calling the phone, so at that time I told my sergeant and he told my CO.

Respondent decided to Google his name and realized that his "whole information came up on the internet," including his personal information, his salary, his address, and information about his parents and his sister. Respondent stated that he did not give anyone his phone number nor did he know if any arrests were made in relation to the phone call, but he believed the investigation into the phone call was ongoing.

On cross examination, Respondent acknowledged that prior to joining the Department it was his belief that being a police officer could be a dangerous job at times. Respondent further acknowledged that day to day he is faced with threats against his person and others that he is supposed to protect, adding, "Yes, I wear a vest everyday." Since joining the Department, Respondent has worked at the 40 Precinct, initially performing Operation Impact duties and then performing patrol duties. Respondent acknowledged that as an Impact officer he was essentially on the streets of the Bronx, walking the beat, dealing with the community and the public at large. Respondent denied that, in his day-to-day dealings, there are times when the police or his presence was not necessarily well received by others. Respondent acknowledged that as a patrol officer he encountered incidents or situations, before Occupy Wall Street, where he felt that his safety could have been at risk.

Respondent acknowledged that in regards to the summonses, when he sought "assistance" from his delegates, he specifically contacted either Person A or Person B. Respondent testified that he reached out to these two members as opposed to other UMOS because, he stated, "[W]e were told that if you had any summonses against your car, you could go to your PD delegates." Respondent acknowledged that as a patrol

officer in the 40 Precinct he had occasions to write summonses himself. Respondent denied that there were times when he was in the process of writing a summons that he stopped doing so. Respondent was familiar with the term "police courtesy" and stated:

Courtesy means to an individual whose parents or family member or cop who's on the job, or sometimes an old person, people who have kids...Who have kids in the car. Let's say I pulled somebody over and they make the turn where they're not supposed to make the turn. I approach the car and see there's a family of kids in it or old lady. I give them the warning. You know, I give them the warning, you're not supposed to, you know, make the turn, it's clearly posted on both sides.

Respondent acknowledged that this would be the discretion that he would employ before actually writing or issuing the summons to that individual.

Respondent acknowledged that the five summonses at issue in this proceeding were actually issued to his vehicle. Respondent denied knowing, at the time he had reached out to his delegates, if those summonses had, at that point, been submitted for processing nor did he know where the summonses were at the time. Respondent acknowledged that it was fair to say that to the best of his knowledge he did not know whether these summonses were en route to be processed and he stated, "Right. I have no idea." Respondent did know that the summonses had been actually issued to his vehicle and stated, "Yes. The yellow – the orange sticker was on my car." Respondent denied that the times in which he reached out to his delegates, a day or two had passed, before he actually told his delegates that the ticket had been issued.

Respondent acknowledged that he was interviewed by the Department regarding the summonses issued to his vehicle which that covered the time frame of January 23, 2010, through August 1, 2010, and about which he had reached out to his delegates.



Respondent also acknowledged saying in that interview that, over an 18 month period, there were two additional times that he sought "assistance" in addition to the three incidents that were heard on the wiretap. When Respondent was asked if he recalled saying during the interview that with respect to one of those first three tickets that he believed he reached out to Person A a day or two after he noticed the ticket had been issued to his vehicle, Respondent stated, "There was one time when I when I like – like if I see the ticket, that same time I'll reach out to Person A. There was another incident where I received a ticket in the mail and there's nothing I can do about that. It came straight there was no ticket on my car and it came straight to the house."

Respondent acknowledged that his intent when he reached out to either Person A or Person B was to stop the ticket from being adjudicated and he would provide them with the following information: the summons number, the date of issuance, the issuing officer, and the tax number or shield that was listed. Respondent agreed that his intent was to get the delegates to essentially put the wheels in motion so that he could avoid having to pay for the tickets. Respondent stated, "These were all tickets that were placed on the car. Anything that was mailed to me, they can't do anything about. I'd have to pay." Respondent testified that none of the officers who issued the summonses dealt with him personally to offer him that discretion or courtesy he had mentioned earlier and denied knowing how these tickets were ultimately stopped from being processed.

Respondent did acknowledge that he was aware of how the processing of a ticket can be stopped and stated, "A parking ticket can either be taken from the cop or he can pull it out of the box." Respondent testified that at the 40 Precinct there was a box at the desk and "[a]t the time you were coming end of tour. There were two or three. A, B and

C [summonses]. You put your As in there. You put your Bs in there. You put your Cs in there.” Respondent explained that the summonses are then tallied and forwarded to One Police Plaza. Respondent did not know what happened next with the summons processing. With regards to the tickets that he had sought “assistance” for, Respondent did not know whether they had been submitted into the box but, at some point, he basically reached out to his delegates to prevent that processing procedure from continuing.

### PENALTY

In order to determine an appropriate penalty, Respondent’s service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). The Respondent was appointed to the Department on January 10, 2005. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pled guilty and the only issue presented is penalty. The Department is recommending a penalty involving the loss of 25 vacation days, five days to be served on suspension and dismissal probation. Respondent has asked for a lesser penalty but is particularly concerned about the five suspension days.

The charges against Respondent resulted from a large-scale investigation involving the quashing of various types of summonses at the behest of members of the service. Many officers have faced and are facing charges as a result of this investigation.



The Department has represented that the penalty recommended by it in this case is based on an overall analysis of the circumstance and that the penalty proposed is in line with penalties imposed on other officers whose misconduct was similar to Respondent's. It also points out that a number of decisions that are part of this overall penalty scheme have been approved (see Department Exhibit 1). The Advocate also represented that one case which fell below these guidelines was disapproved.

Respondent has made a number of arguments challenging the proposed penalty. Counsel for Respondent has argued, for instance, that the penalty is very severe. This is no doubt true. Unfortunately the misconduct was quite serious and the fact that it was widespread does not lessen the seriousness of the offense. The issuance of a summons is the commencement of the legal process. Unauthorized interference with that process is a serious matter.

Respondent has testified about "courtesy" used by an officer at the time a summons is issued and his attorney has argued that what occurred in this and related cases is very similar to that exercise of courtesy by an officer.

This argument unfortunately indicates a significant lack of understanding of the issues involved in this case and those like it. Doing someone a favor or just giving "courtesy" is a practice that is fraught with trouble.

Police officers are regularly confronted with circumstances that require them to analyze a situation and make decisions that require knowledge of the law, knowledge of the rules and procedures of this Department and the use of good practical judgment. Obviously that means that an officer on the scene of an incident has a measure of discretion.

In this case, Respondent was not on the scene with an officer asking that officer to consider the circumstances but rather he was calling someone after the fact to do "a favor" regardless of the circumstances. In this regard it should be noted that I am informed that at least two of these incidents involve moving violations.

Counsel for Respondent has also argued that Respondent is good police officer. He has pointed out that he and his family were the subject of harassment by protesters who posted personal information on-line. These things are undoubtedly true and this Court has given them great consideration. However, they are insufficient to distinguish the situation of this Respondent from those of other officers with excellent records and many years of service who were given similar penalties. Based on the cases that have been approved to this juncture there is no sufficient basis for recommending a penalty at variance with the pattern that has been established.

I therefore recommend that Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at anytime without further proceedings. Further, this Court recommends that Respondent forfeit 25 vacation days and 5 suspension days.

**APPROVED**  
JAN 07 2012  
*Raymond W. Kelly*  
RAYMOND W. KELLY  
POLICE COMMISSIONER

Respectfully submitted,

*Martin G. Karopkin*  
Martin G. Karopkin  
Deputy Commissioner Trial

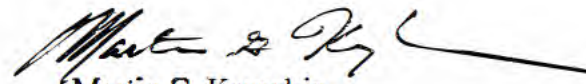
POLICE DEPARTMENT  
CITY OF NEW YORK

From: Deputy Commissioner Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER GRANTLEY BOVELL  
TAX REGISTRY NO. 936232  
DISCIPLINARY CASE NO. 2011-6078

In 2009 and 2011, Respondent received an overall rating of 4.0 "Highly Competent" on his annual performance evaluation. He was rated 3.5 "Highly Competent/Competent" in 2008. He has made 206 arrests and been awarded one medal for Excellent Police Duty. [REDACTED]

[REDACTED] In January 2011, he was placed on Level I Force Monitoring for receiving three or more Civilian Complaint Review Board complaints within a year. Respondent has no prior formal disciplinary record.

For your consideration.

  
Martin G. Karopkin  
Deputy Commissioner Trial